

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION**

**ROBERT STEVENSON**

**CIVIL ACTION NO. 07-1884**

**VS.**

**JUDGE MELANÇON**

**VOYAGER INDEMNITY INS. CO.**

**MAGISTRATE JUDGE METHVIN**

***JURISDICTIONAL REVIEW RULING***

Before the court is defendant's submission on jurisdictional amount, pursuant to court order.<sup>1</sup> Plaintiff has not filed a response.

Plaintiff alleges that his home, which was insured by defendant, was damaged by Hurricane Rita. Plaintiff alleges that defendant under-adjusted the loss to the home and the amount of the adjustment did not allow plaintiff to conduct the needed repairs. Plaintiff also seeks penalties, attorneys fees, cost of living expenses, and damages for deterioration of the property and mental anguish.

In connection with the jurisdictional amount review, defendant submitted plaintiff's cost analysis report, showing that plaintiff claims that defendant owes \$45,654.26 under the policy. Considering this amount, defendant submits that it may be liable for penalties in excess of \$90,000. *See* La. R. S. 22:1220 and La. R. S. 22:658; Doyle v. Allstate Ins. Co., No. 06-1521, 2006 WL 3916579, \*2 (W.D. La. Nov. 29, 2006) (noting one court has already awarded as much as \$25,000 in fees on a \$19,000 insurance claim and another had upheld an attorney's fees premised on a 1/3 contingency fee agreement).

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<sup>1</sup> Defendant was ordered to file a memorandum with supporting documentation setting forth specific facts in controversy which supported a finding that the jurisdictional amount exists [Rec. Doc. 10]. Defendant's submission was filed as Rec. Doc. 11.

Considering the foregoing, the undersigned concludes that the jurisdictional amount has been established in this case.

Signed at Lafayette, Louisiana, on March 18, 2008.

A handwritten signature in black ink, appearing to read 'M. Methvin', is written over a horizontal line.

Mildred E. Methvin  
United States Magistrate Judge  
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